

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.448 OF 2015
IN
CRIMINAL APPEAL NO.81 OF 2015**

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| <p>1. Shriram Alias Shrirang Shravan
Age-42 years, Occu-Agriculture,
R/o. Village Wadod-Bhill,
Taluka- Kannad,
Dist. Aurangabad</p> <p>2. Ramrao S/o Mahadu Mangate,
Age-38 years, Occu-Agriculture,
R/o. Village Lohagaon,
Taluka- Kannad,
Dist. Aurangabad</p> | <p>..Applicants</p> |
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Versus

The State of Maharashtra through the Police Station, Pishor, Taluka- Kannad, Dist. Aurangabad	..Respondent
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Mr.Rajendra S. Deshmukh, Advocate for the applicants
Mr.S.D.Kaldate, APP for the respondent/ State

**CORAM : A.V.NIRGUDE &
V.K.JADHAV, JJ.
DATED : 28.10.2015**

P.C. :-

1. The appellants have moved this application for bail pending disposal of their appeal. They were convicted for committing offence punishable under Section

302 r/w 34 of Indian Penal Code and sentenced to suffer life imprisonment and now they are in jail.

2. They prayed for bail on the ground that the evidence that was led against them was not trustworthy and the Court should release them on bail.

3. The facts of the case in short can be narrated as under:-

The deceased Kachru used to stay at his village Wadod-Bhill, Tq. Kannad, Dist. Aurangabad. On 26.01.2013 he left his house at about 4:00 p.m. in the company of appellant No.1 Shriram and on the next day his dead body was found.

4. The Prosecution also placed reliance on a witness who narrated an incidence that took place on 26.01.2013 between 06:30 to 07:00 p.m. He has stated in his deposition that three persons came to his motor garage, they quarreled in their presence, one of them was beaten. The victim suffered bleeding injury, etc. But unfortunately this witness did not connect the deceased or the appellants to the incidence that had occurred in his presence. The deceased was found with bleeding injuries. His clothes were stained with blood. Very soon

the Investigation Officer arrested the appellants but their clothes were not found with blood stains. No other circumstances showing that the appellants had strong motive to commit this offence has come on record. Thin line connecting at least the appellant No.1 Shriram and the deceased is that they were found together at about 04:00 p.m. on earlier day.

5. We consider this case fit to release both the accused on bail because of the circumstances narrated above. The appellants are released on bail with 25,000/- (Rs.Twenty Five Thousand) with one surety is like amount.

6. The substantive part of the sentence is suspended.

7. In view of this the application stands allowed accordingly and disposed of.

[V.K.JADHAV, J.]

[A.V. NIRGUDE, J.]